

MICHAEL TERRANCE WALLER,)
)
Plaintiff,)
)
v.) No. 08-3395-CV-S-WAK
)
CITY OF SPRINGFIELD, MISSOURI,)
)
Defendant.)

Plaintiff Michael Waller requests reconsideration of the court's order of dismissal and he requests a shortened time for ruling on the motion for reconsideration. Plaintiff asserts that a fundamental miscarriage of justice has occurred. Attached to the motion are suggestions in support which appear to deal with matters that occurred in plaintiff's state court proceedings on child custody issues and his criminal case. Plaintiff also cites old case law indicating that the statute of limitations was tolled while he was incarcerated. Mo. Ann. Stat. § 516.170 (West 2002), however, was amended in 1990 and imprisonment was removed as a disability. Thus, the statute of limitations was not tolled during plaintiff's incarceration.

IT IS, THEREFORE, ORDERED that plaintiff's motion to reconsider, treated as a request to alter or amend the judgment, is denied. [10] It is further

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Dated this 23rd day of January, 2009, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX
United States Magistrate Judge